

BILL ANALYSIS

Senate Research Center
80R9292 CAS/KCR-D

S.B. 1138
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S/C on Higher Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There is a concern over the number of injuries and fatalities occurring as a result of hazing, drinking, or other activities associated with fraternities.

As proposed, S.B. 1138 requires institutions of higher education to provide a risk management program for members of fraternities and of any other student organization registered at the institution. The bill makes attendance at this risk management seminar mandatory for certain individuals. In addition, the bill requires the Texas Department of Insurance to study what insurance is currently available to fraternities. The study must consider levels and types of coverage and methods of attainment, and to report the findings to certain elected officials not later than January 1, 2009.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amend Subchapter Z, Chapter 51, Education Code, by adding Section 51.9361, as follows:

Sec. 51.9361. RISK MANAGEMENT PROGRAMS FOR MEMBERS OF FRATERNITIES AND OTHER STUDENT ORGANIZATIONS. (a) Defines "pledge" and "postsecondary educational institution."

(b) Provides that this section applies only to a fraternity that is registered at a postsecondary educational institution (institution) and that is composed mostly of students enrolled at the institution. Provides that this section applies to each institution at which is registered one or more fraternities, notwithstanding Section 1.001(a).

(c) Requires an institution, not later than the 30th day after the first day of the fall semester of each academic year, to provide a risk management program for members of fraternities and of any other student organization registered at the institution. Requires each current officer, advisor, and pledge of a fraternity and any current fraternity member who has not previously attended a program provided under this section to attend the program. Authorizes a member of any other student organization registered at the institution to attend the program.

(d) Authorizes a program under this subsection to address any issue determined by the institution. Requires the program to address possession and use of alcoholic beverages and illegal drugs, including penalties that may be imposed for possession or use; hazing; sexual abuse and harassment; fire and other safety issues, including the possession and use of a firearm or other weapon or of an explosive device; conduct of parties and other events held by a fraternity or other student organization; and adoption by a fraternity or other student organization of a risk management policy.

(e) Requires an institution to provide notice of a program provided under this section to each student organization registered at the institution, and to include in the notice information concerning persons associated with a fraternity who are required under this section to attend the program.

(f) Requires an institution to take attendance at a program provided for under this section and maintain a record of that attendance, and of notice provided, until at least the fifth anniversary of the date of the program.

SECTION 2. (a) Requires the Texas Department of Insurance (TDI) to conduct a study concerning the levels and types of coverage fraternities at institutions of higher education are required to carry by the fraternities' chartering or national organizations, availability and affordability, and the method used for attaining insurance.

(b) Requires TDI, not later than January 1, 2009, to submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees in the senate and the house of representatives that have jurisdiction over insurance and higher education a written report summarizing the results of the study conducted under Subsection (a) of this section.

SECTION 3. Provides that Section 51.9361, Education Code, as added by this Act, applies to a risk management program at public and private institutions beginning with the 2008 fall semester.

SECTION 4. Effective date: September 1, 2007.